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House bill

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#528

Introduced by Mr. McKAY, of Harnett.

W. W. Holden, Printer to the State.

A BILL AUTHORIZING THE GOVERNOR TO RAISE SEVEN THOUSAND MEN, TO SERVE IN NORTH-CAROLINA SIX MONTHS, IN ACCORDANCE WITH A REQUISITION OF THE PRESIDENT, DATED 5TH JUNE, 1863.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That for the purpose of raising the men under the requisition of the President of the Confederate States, dated the 5th June, 1863, to serve in the State for six months, the Governor be and he is hereby authorized, in the event of his not being able to obtain a sufficient number of volunteers to make up the seven thousand called for in response to a proclamation issued by him on June, 1863, by the 1st of August, 1863, to order a draft from such regiments as have not furnished their quota of volunteers; the number of men required from each regiment to be determined by the rolls filed in the Adjutant General's office by the commanding officer of the different regiments, only taking from each regiment its quota of men; and should there be no rolls filed from some of the regiments, then such regiments are to be drafted in such mode, and under such rules and regulations as the Governor may adopt, to get from them their quota of men.

SEC. 2. *Be it further enacted,* That for the purpose of meeting this requisition, all able bodied men between the

3 ages of eighteen and forty-five years, including foreigners
4 and persons who have substitutes in the service of the Con-
5 federate States between the ages of eighteen and forty-
6 five years, shall be liable to be drafted, and the Governor
7 shall cause the men so drafted from each regiment to be
8 formed into companies of not less than sixty, nor more
9 than one hundred privates, who shall elect the company
10 officers. Whenever any of said districts shall furnish a
11 smaller number than a company, or there shall be a resi-
12 due after the formation of one or more companies, such
13 smaller number may be attached to any adjoining district.
14 and the companies so formed may be organized into bat-
15 talions and regiments, in which case the commissioned of-
16 ficers of companies shall elect the field officers, and the
17 same number of staff officers as are provided for by law
18 shall be appointed, and the Governor shall commission all
19 officers for six months, and the term of service for each
20 person so drafted shall be six months and no longer, un-
21 less sooner discharged by order of the Governor.

SEC. 3. *Be it further enacted*, That all militia officers
2 between the ages of eighteen and forty-five, not including
3 those otherwise exempted, shall be liable to be drafted;
4 and the duties required of militia officers who are drafted
5 shall be suspended for six months; but this legislation
6 shall not have the effect of vacating the commissions of
7 the officers drafted, but at the expiration of six months,
8 on their return to their respective regimental districts,
9 and notifying the Governor, through the Adjutant Gen-
10 eral of that fact, they shall again enter upon the discharge
11 of the duties of their respective offices: *Provided, how-*
12 *ever*, That the Governor, in his discretion, may retain such
13 a number of the militia officers as he may deem necessary
14 to keep up the present militia organization.

SEC. 4. *Be it further enacted*, That there shall be ex-
2 empt from service under this act, the officers of the Ex-
3 ecutive Department of the State, with their clerks, secre-
4 taries, members of the General Assembly and the officers

5 thereof, judges of the Confederate courts and judges of
6 the supreme and superior courts of law, district attorney
7 of the Confederate States, attorney general, solicitors of
8 the judicial circuits and county solicitors, clerks of courts
9 of record, marshalls, sheriffs and one deputy sheriff for
10 each county, jailors, registers, county trustees, regular
11 blacksmiths who have established shops, one miller for
12 each public mill, ministers of the gospel in charge of con-
13 gregations, physicians who have been engaged in the
14 practice of their profession for six years, the officers and
15 necessary employees of the Insane Asylum and Institu-
16 tion for the Deaf, Dumb and the Blind, with their inmates
17 and pupils, the president, superintendent, treasurer, sec-
18 retary, one agent for each depot, and a reasonable number
19 of engineers, runners, conductors and mechanics of each
20 railroad company, one editor and the necessary composi-
21 tors to each newspaper, the president and stewards of col-
22 leges, the principal and teachers of academies, regular
23 mill-wrights, and wagon makers and persons who have
24 furnished substitutes over the age of forty-five years and
25 under the age of eighteen years, provided the persons
26 furnishing such substitutes shall not be exempt from ordi-
27 nary militia duty at home; county commissioners ap-
28 pointed under an act entitled an "act for the relief of the
29 wives and families of soldiers in the army," ratified the
30 10th February, 1863, two justices of the peace in each
31 captain's district in which there is no justice of the peace
32 over forty-five years of age, and all justices appointed to
33 take the tax lists for the year 1863. And the Governor
34 shall have power, in special and extraordinary cases, to
35 exempt any other person.

SEC. 5. *Be it further enacted*, That the forces raised
2 under this act shall be required to serve only within the
3 limits of this State, and shall be under the control and
4 direction of the Governor during their term of service,
5 with the approbation and consent of the President, and the
6 officers and men shall be subject to the rules and articles

7 of war of the Confederate States, and shall receive the
8 same pay, rations and allowances whilst in service, as those
9 of a like grade in the Confederate States' service.

SEC. 6. *Be it further enacted*, That it shall be lawful
1 for any one drafted to tender to the officer conducting the
2 draft, a substitute for himself; and if said substitute is
3 received by the officer, after medical examination, under
4 rules and regulations to be prescribed by the Adjutant
5 General, the person drafted shall be excused from going
6 into this service; *Provided, however*, That persons furnish-
7 ing substitutes shall not be exempted from ordinary mi-
8 litia duty.

SEC. 7. *Be it further enacted*, That in executing this
2 act, the Governor is empowered and authorized to use
3 such officers of the militia as may be necessary, and to ap-
4 point competent drill officers, with the rank and pay of
5 senior second Lieutenant.

SEC. 8. *Be it further enacted*, That all laws and clauses
2 of laws coming in conflict with this act be and are hereby
3 repealed, and that this act shall be in force and take ef-
4 fect from and after its ratification.

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